

**63A-5-801 Memorials by the state or state agencies.**

- (1) As used in this section:
  - (a) "State agency" means any of the following of the state that holds title to state land:
    - (i) a department;
    - (ii) a division;
    - (iii) a board;
    - (iv) an institution of higher education; or
    - (v) for the judicial branch, the state court administrator.
  - (b) "State agency" does not mean a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a special service district under Title 17D, Chapter 1, Special Service District Act.
- (2) The Legislature, the governor, or a state agency may authorize the use or donation of state land for the purpose of maintaining, erecting, or contributing to the erection or maintenance of a memorial to commemorate those individuals who have:
  - (a) participated in or have given their lives in any of the one or more wars or military conflicts in which the United States of America has been a participant; or
  - (b) given their lives in association with public service on behalf of the state, including firefighters, peace officers, highway patrol officers, or other public servants.
- (3) The use or donation of state land in relation to a memorial described in Subsection (2) may include:
  - (a) using or appropriating public funds for the purchase, development, improvement, or maintenance of state land on which a memorial is located or established;
  - (b) using or appropriating public funds for the erection, improvement, or maintenance of a memorial;
  - (c) donating or selling state land for use in relation to a memorial; or
  - (d) authorizing the use of state land for a memorial that is funded or maintained in part or in full by another public or private entity.
- (4) The Legislature, the governor, or a state agency may specify the form, placement, and design of a memorial that is subject to this section if the Legislature, the governor, or the state agency holds title to, has authority over, or donates the land on which a memorial is established.
- (5) Memorials within the definition of a capital development as defined in Section 63A-5-104 must be approved as provided for in Section 63A-5-104.
- (6) Nothing in this section shall be construed as a prohibition of memorials, including those for purposes not covered by this section, which have been erected within the approval requirements in effect at the time of their erection or which may be duly authorized through other legal means.

Amended by Chapter 360, 2008 General Session

Renumbered and Amended by Chapter 382, 2008 General Session